

COMBINED DECLARATION AND POWER OF ATTORNEY

(PATENT - ORIGINAL, DESIGN, NATIONAL STAGE OF PCT)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

☐  
☐  
☐

Original

Design

National stage of PCT

INVENTORSHIP DECLARATION

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: OPHTHALMIC FLUID.

SPECIFICATION IDENTIFICATION

the specification of which:

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is attached hereto.

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was filed on \_\_\_\_\_ as Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

☐

was described and claimed in PCT International Application No. PCT/AU00/00977 \_\_\_\_\_ filed on August 16, 2000 \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all known information which is material to patentability as defined in Title 37, Code of Federal Regulations. § 1.56.

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In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.97.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

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no such applications have been filed.

☐

such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing	Priority Claimed under 37 U.S.C. 119
AUSTRALIA	PQ2281	August 18, 1999	___ Yes ___ No
			___ Yes ___ No
			___ Yes ___ No

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

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POWER OF ATTORNEY

As a named inventor, I hereby appoint the following registered practitioners known as Customer No. 08933 to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Lewis F. Gould, Jr., Registration No. 25,057; William H. Murray, Registration No. 27,218; Stephan P. Gribok, Registration No. 29,643; Peter J. Cronk, Registration No. 32,021; Robert E. Rosenthal, Registration No. 33,450; Richard A. Paikoff, Registration No. 34,892; Samuel W. Apicelli, Registration No. 36,427; Steven E. Koffs, Registration No. 37,163; N. Stephen Kinsella, Registration No. 37,657; Daniel S. Goldberg, Registration No. 39,689; Gail A. Dalickas, Registration No. 40,979; Darius C.

Gambino, Registration No. 41,472; and, Anthony Colesanti,  
Registration No. 42,428.

Please direct all correspondence to: Lewis F. Gould, Jr., Esq.  
(Customer No. 08933)

DUANE, MORRIS & HECKSCHER LLP  
One Liberty Place  
Philadelphia, PA 19103  
Telephone (215) 979-1283

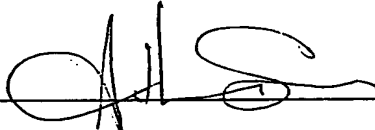
DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the application or any patent issued thereon.

SIGNATURE(S)

Full name of sole or first inventor, if any Anthony William Sly

Inventor's signature



Date 11 February 2002 Country of Citizenship Australia

Residence 16 Shelbred Way Westminster Perth WA 6061

Post Office Address

Attorney Docket No: 283702-5

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(F) AND 1.27(C)) - SMALL BUSINESS CONCERN**

**Applicant or Patentee:** ANTHONY WILLIAM SLY  
**Serial or Patent No.:** \_\_\_\_\_ **Attorney**  
**Docket No.:** 283702-5  
**Filed or Issued:** \_\_\_\_\_  
**For:** \_\_\_\_\_

I hereby declare that I am

- ☒ the owner of the small business concern identified below:  
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

**NAME OF CONCERN** PLANNED PRODUCTS PTY LTD

**ADDRESS OF CONCERN** 16 Shelbred Way, Westminster, Western Australia  
6061, AUSTRALIA

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 1.21.3-18, and reproduced in 37 CFR 1.9(d), for the purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled Ophthalmic Fluid of inventor(s) Anthony William Sly, described in

- ☐ the specification filed herewith.  
☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to this invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Anthony William Sly  
TITLE OF PERSON \_\_\_\_\_

ADDRESS OF PERSON SIGNING 16 Shelbred Way, Westminster, Western Australia 6061,  
AUSTRALIA

SIGNATURE \_\_\_\_\_

DATE 11 Feb 2002

Docket No. 2837

A/D 581-20

10/049784

PATENTS ONLY

04-24-2002



ssional marks document or copy thereof. **1013 Rec'd PCT/PTO** PATENTS ONLY 15 FEB 2002

Please rec

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1. Name of Party(ies) conveying an interest:

Anthony William SLY

02/15/02

Additional name(s) of Parties attached? No

Name and Address of Party(ies) receiving an interest:

PLANNED PRODUCTS PARTY LTD.  
16 Shelbred Way,  
Westminster, Western Australia 6061,  
AUSTRALIA

3. Description of interest conveyed:

XX Assignment

Change of Name

Security Agreement

Merger

Other

Execution Date: 11/FEBRUARY/2002

4. Application Number(s) or patent number(s).

Additional numbers attached? No

If this document is being filed together with a new application, the execution date of the application is: 15/FEBRUARY/2002

- A. Patent Application No.(s):

- B. Patent No.(s):

5. Name and address of party to whom correspondence concerning documents should be mailed: customer no.08933

Lewis F. Gould, Jr., Esq.  
Duane Morris LLP  
One Liberty Place  
Philadelphia, PA 19103-7396

6. Number of applications and patents involved: 1

7. Total Fee (37 C.F.R. \$3.41): \$40.00  
**PLEASE SEE ATTACHED LETTER**  
Enclosed: X  
Authorized to be Charged:

8. Deposit account number: 04-1679  
(Attach duplicate copy of this form if paying by deposit account.)

02/25/2002 ENQUEEN 00000035 10049784

AT FURN

40.00 DP

DO NOT USE THIS SPACE

10. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: February 15, 2002

Lewis F. Gould, Jr., Esq.  
Registration No. 25,057

Total number of pages including cover sheet, attachments and document: 6

## A S S I G N M E N T

WHEREAS, the undersigned, Anthony William Sly, a citizen of AUSTRALIA, residing at 16 Shelbred Way, Westminster, Western Australia 6061, AUSTRALIA (hereinafter referred to as "ASSIGNOR") is the inventor of certain inventions or improvements for OPHTHALMIC FLUID which he has on the date indicated below next to his signature executed an application for Letters Patent of the United States;

WHEREAS, PLANNED PRODUCTS PTY LTD, an Australian corporation, having a mailing address of 16 Shelbred Way, Westminster, Western Australia 6061, AUSTRALIA (hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire right, title and interest in and to the said inventions or improvements and in and to said application for patent, and in, to and under any and all Letters Patent which may be granted on or as a result thereof in the United States or in any other country;

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) in hand paid by said ASSIGNEE, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR, has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, to said ASSIGNEE, the entire right, title and interest in and to said inventions or improvements and said application and any and all continuations, divisions, and renewals of and substitutes for said application, and in, to and under any and all Letters Patent which may be granted on or as a result thereof in the United States and its possessions and territories and in all other countries, and any reissue or reissues or extension or extensions of said Letters Patent, the same to be held and enjoyed by said ASSIGNEE, its successors, assigns, nominees or legal representatives, to the full end of the term or terms for which said Letters Patent respectively may be granted, reissued or extended, as fully and entirely as the same would have been held and enjoyed by ASSIGNOR had this assignment, sale and transfer not been made.

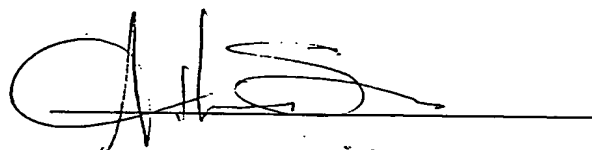
AND the undersigned ASSIGNOR hereby covenants that he has full right to convey the entire interest herein assigned, and that he has not executed and will not execute any agreement in conflict herewith, and further covenants and agrees that he will each time request is made and without undue delay, execute and deliver all such papers as may be necessary or desirable to perfect the title to said inventions or improvements, said application and said Letters Patent in said ASSIGNEE, its successors, assigns, nominees, or legal representatives, and agrees to communicate to said ASSIGNEE or to its nominee all known facts respecting said inventions or improvements, said application and said Letters Patent, to testify in any legal proceedings, to sign all lawful papers, to execute all disclaimers and divisional, continuing, and reissue applications, to make all rightful oaths, and generally to do everything possible to aid said ASSIGNEE, its successors, assigns, nominees and legal representatives to obtain and enforce for its own benefit proper patent protection for said inventions or improvements in the United States and its possessions and territories and in all other countries;



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AND ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States to issue to said ASSIGNEE, the entire right, title and interest, in and to any and all Letters Patent for said inventions or improvements, including any and all Letters Patent of the United States which may be issued and granted on or as a result of the application aforesaid, in accordance with the terms of this assignment.

IN WITNESS WHEREOF, ASSIGNOR hereunto sets his hand and seal, intending to be legally bound.

Date: 11 Feb 2002

  
Anthony William Sly.